

PUBLIC MEETING
April 11, 2006

Chair Anita Varone called the meeting to order at 9 a.m.

Commissioner Murray was present. Commissioner Tinsley was absent. Others attending all or portion of the meeting included Ron Alles, Jerry Grebenc, Michael McHugh, Lindsay Morgan, Greg McNally, Sheriff Liedle, Jacalyn Grenfell, Christal Ness, Larry Hoffman, Dan Felska, Larry Marshall, Skee Tenneson, Barry Damschen, Jerry & Genevieve Christison, Bill Gallagher, Ray Fuller, J.J. Conner, Faron Henderson, Jason Mohr, Sharon Haugen, Laura Erikson, Ron Solberg, Judy Hart, Mark & Lenore Adams, Arlene & Mike Dellwo, Mike Kirsch, Bill Ries, Giles Walker, Ed Baum, Kelly Williams, JJ Ennis, Lillian Brewster, Jim More, Ruth & John Anderson, Wayne Brewster, Jacque Spaulding, Maxwell Milton, Craig Charlton, Candace West, Cindy & John Vader, Diana Mercier, Carina Zook, Ron Shields, Harold Horn, Mark S. S., Bill Kent, Richard Nothern, Phoebe Toland, Leonard Ennis, Bill Schweyer, Dan Maronick, Sandie Fowler, Paul Kent, and Maria Penna.

Pledge of Allegiance. Everyone recited the pledge.

Consent Items. Ron Alles reported on the consent items and recommended approval.

- a. Contract with Eagle Electric for site work on Nob Hill. Contract amount is \$21,800.00. (Sheriff Liedle/Jacalyn Grenfell)
- b. Contract with NorthWestern Energy for electric service on Nob Hill Tower. Contract amount is \$6,715.46. (Sheriff Liedle/ Jacalyn Grenfell)
- c. Change Order with Radian Communication Services in the amount of \$6,500 for 152' SSV Tower. (Sheriff Liedle/Jacalyn Grenfell)
- d. Contract and Encroachment Agreement. Robert and Elizabeth Logan for the road and right-of-ways located on the east and west side of Three Mile Road, northwest of Helena; generally described as approximately 500 yards west of Birdseye Road. To install a water line from an existing well across Three Mile Road to service a development on the south side of Three Mile Road. (Christal Ness)
- e. Contract and Encroachment Agreement. Lance M. Coon and Kimberly A. Fitzgerald for the right-of-way located south of, and the street proper of 1st Street North, within the Lambkins Addition in Lincoln. To replace the existing septic tank and install an approved connection to the facilities of the Lincoln Sewer District. (Christal Ness)
- f. (Nunc pro tunc action 3/31/06) Contract with Otis Elevator Company. Removal and replacement of the hydraulic cylinder in the Law Enforcement Center elevator. Contract amount is \$29,401.00.
- g. Independent Contractor Contract. Helena Valley Mosquito Control District for Mosquito Control Work. \$124,950.00. (Larry Hoffman) (cont. from 3/30/06)
- h. Independent Contractor Contract. Helena Valley Mosquito Control District for Mosquito Control Survey Work. \$13,275.00. (Larry Hoffman) (cont. from 3/30/06)
- i. Final Plat Approval for South Boundary Acres II Major Subdivision. (Applicant, Archie & Edith Taylor) (Planner, Greg McNally)

Commissioner Murray asked that the record show item 'c' be noted as nunc pro tunc signed February 28. He also asked that consent item 'e' be pulled for discussion.

Commissioner Murray moved approval of the remaining consent agenda and authorized the Chair to sign the appropriate documents. Commissioner Varone seconded the motion and it carried 2-0.

Commissioner Murray moved to table consent item 'e' until Tuesday, April 18. Commissioner Varone seconded the motion and it carried 2-0.

Proposed Minor Subdivision, Preliminary Plat to be known as Felska #1 Minor Subdivision. (Applicant, Dan Felska) (Planner, Greg McNally) (Cont. from 3/14/06) The applicant proposes to create five lots each for one single-family dwelling. The proposed subdivision is generally located south of Valley View Road and west of Bartmess Drive.

Greg McNally reported the applicant would like to postpone review of this subdivision until May 11.

Bill Ries, 6850 Green Meadow Drive, representing the applicant, requested an extension of the hearing to May 11, 2006 to allow a full commission be present on making the decision for the variance. Commissioner Murray stated a full commission will be present on May 4 and with the applicant's consent moved to reschedule the hearing to May 4. Commissioner Varone seconded the motion and it carried 2-0.

Proposed Major Subdivision, Preliminary Plat to be known as Cornerstone Village. (Applicant, Helena Christian School, Inc.) (Planner, Michael McHugh) The applicant proposes to create 216 lots, 208 lots for single-family dwellings, 1 lot for community water facilities, 3 lots for wastewater facilities, 2 lots for parkland, 1 lot for a private school and 1 remainder lot. The subject property is generally located south of Franklin Mine Road and east of Head Lane. Ray Fuller, 706 Night Street, Superintendent of Helena Christian School was present and indicated his willingness to proceed.

Michael McHugh presented the staff report. The proposal originally was designed for 360 lots. The application was modified due to some concerns about wastewater and the proposed wastewater treatment system. The property is undeveloped at this time and it is not located within any special zoning district. Those people who expressed opposition to this proposal are concerned about water availability, change in the character of the area, impacts on lifestyle, increased traffic, and substandard roads in the area. Staff recommends a 30-foot wide irrigation easement be shown on the final plat and a 50 foot setback from any building within that area. All utilities such as cable and electrical service lines would need to be placed underground in compliance with county subdivision regulations. The Planning Board and staff recommended that Franklin Mine Road be hard surfaced to Typical Section No. 3 from the intersection of Head Lane to Green Meadow. The applicant's should contact MDT early on in this project so they can incorporate any improvements at the same time and reduce some disruption on these roads. It is the responsibility of those individual property owners to

remove fences that are encroaching into the right-of-way, or to obtain an encroachment agreement from the county. The Head Lane railroad crossing does not meet the width requirements for county road standards, and the applicants will need to contact the Burlington Northern/Santa Fe Railroad to do any improvements for the railroad crossing. The subject property is located within the West Valley Fire District. Fish Wildlife and Parks made several recommendations dealing with wildlife proofing of the property and keeping ephemeral drainage corridors open to allow movement of wildlife in the area. No floodplains have been identified on the subject property. Notice should be given to future property owners about surface reclamation activities that have occurred on the site. The applicants have proposed two parks within the proposal. The Planning Board recommended the applicants be required to construct a non-motorized path along Head Lane and Franklin Mine Road. The Parks Board recommended a parkland dedication or cash in lieu of the parkland to be used to develop a hard surface path along those roads. Staff recommended approval for this proposed subdivision subject to 29 conditions. The Planning Board also recommended approval of this subdivision subject to two amendments to the staff recommendations, (1) dedication of the necessary easement for the non-motorized path along Head and Franklin Mine; and (2) prior to any development activity the applicant be required to obtain a Beneficial Water Right Permit from the Department of Natural Resources and Conservation.

Commissioner Varone asked staff to explain the petition that was received. Mr. McHugh stated the petition is to consolidate the Paydirt Zoning District # 23, Sunny Vista, and the area within the Green Meadow Study Area. The request was received after the application, therefore it cannot be considered by the Commission. Mr. Grebenc stated applicants variance request is for Head Lane from the southwest corner to Country Club Avenue.

The Commission recessed at 9:45 and reconvened 9:55 a.m.

Ray Fuller, 706 9th Street, discussed the goals of this proposal and the growth projections in developing this subdivision. Helena Christian School is developing the property for the sole purpose of building a facility to house the entire school, endowing the school's operations and new individuals associated with the school. The reason for the variance to pave Head Lane from Franklin Mine Road to Country Club Avenue is because the traffic study shows Franklin Mine Road is used substantially more than Head Lane and this is an adequate solution to the traffic issue. He commented on some of the conditions:

Condition 1. The 72-hour pump test is a requirement as a result of the DNRC Beneficial Use Permit or Water Right.

Condition 19.i. Additional language, until further investigation shows it to be safe to build on, rather than designating a no build zone.

Condition 22. Existing mining properties. Since these claims cannot be turned into home sites the internal road access should be sufficient.

Condition 30. Modify the first sentence, "Prior to any development or installation of infrastructure, excepting roads, for the subdivision."

Condition #31 is two-fold regarding the bike path.

- a. The additional easement should not be needed because of the existing 60 foot easement provided conditions 12 and 13 are modified to allow applicant to work with the county public works department to make the trails and roads work within the existing easements; and
- b. To be contingent upon City/County Parks accepting the cost of constructing the trails as part of the cash-in-lieu of parkland should that option be chosen.

Commissioner Varone mentioned she received a call from Mr. Fuller approximately two years ago to discuss the possibility of developing a subdivision in this area. Mr. Fuller stated nothing had been done and he wanted to discuss the process. Commissioner Varone strongly suggested that if they decided to move forward they meet with the folks in the area and talk about the process. She does not believe this violates the exparte communication policy.

Faron Henderson, DBEC, Inc., stated concerns were addressed regarding water quality and availability and he assured everyone that this process will go through the DNRC permitting procedure as required in the conditions of approval. He discussed the reasons for the project. On-site storm water is planned. Paved roads with curb and gutter will channel the water to the storm drains and eventually end up in the natural drainages. A detention pond is proposed. They are encouraging people attending this school or using the facilities to walk from the subdivision thereby reducing some of the traffic. He also discussed the parkland and open space proposal.

Mr. McHugh stated it is staff's recommendation to split condition 1 into a permit for the beneficial water right and adherence with DEQ standards for community water and sewer systems. Regarding the no build zone, staff suggested combining conditions 31 and 25, which would address applicant's concern.

Commissioner Murray moved to render a final decision on April 27 at 9 a.m.
Commissioner Varone seconded the motion and it carried 2-0.

Proposed Major Subdivision, Preliminary Plat to be known as Skyview Amended Plat of Block 9, Lots 1-4. (Applicant, Larry Marshall/M & W Investments) (Planner, Michael McHugh) The applicant proposes to create 3 lots each for one single-family dwelling and to amend the final plat for Lots 1-4, Block 9, of the Skyview Major Subdivision, Phase IV to change the approval for the subject lots from a wastewater treatment use to residential use. The subject property is generally located south of Prairie Road and west of North Montana Avenue, in the Skyview Major Subdivision. The applicant is present and indicated his willingness to proceed.

Michael McHugh presented the staff report. The lots were originally reviewed for non-residential use. With the change of the land use there may be potential additional impacts to roads, schools, water, sewer. The applicant is proposing to remove the current drain field installations and consolidate those within the community wastewater system that is located south of the subdivision. The applicant will be required to obtain the necessary amendments to the original DEQ approval for the wastewater and change in the DNRC Beneficial Water Right Permit. All of the roads within the Skyview Subdivision are paved so there would be no need for any major road improvements. Because of the land use change, the Parks Board recommended cash value for .1 acre, and the West Valley Fire Department is requiring a \$1,000 per lot for the new lots. The Planning Board approved the land use change subject to 10 conditions as outlined in the staff report. Bill Gallagher's letter indicated that parkland dedication is not required because no additional parcels are being created. Mr. McHugh stated the lots are now becoming residential in character and will have impacts on parks, schools, and roads. The sewer system is privately owned by M & W Investments.

Larry Marshall, 316 Baxendale Drive, requested a sentence be added to condition 4 stating if the West Valley Fire Department determines that the \$1,000 per lot fee is not required and that the present facilities are sufficient, then this fee would not be necessary. If this request is approved, then condition 8.b would be eliminated. He also requested condition 7--parkland dedication be deleted.

Hearing no other comments, Commissioner Murray moved to keep the record open for the purpose of receiving a variance request from the applicant regarding the \$1,000 per lot fee, and that the Commission render a final decision on the variance request and the proposed subdivision on April 20 at 9 a.m. Commissioner Varone seconded the motion and it carried 2-0.

Proposed Major Subdivision, Preliminary Plat to be known as Fox Crossing III.
(Applicant, Skee Tenneson) (Planner, Michael McHugh) The applicant proposes to create 61 lots, 60 lots each for one single-family dwelling and one lot for wastewater treatment facility and storm water drainage. The subject property is generally located south and east of Howard Road and west of Lake Helena Drive. The applicant was present and indicated his willingness to proceed.

Michael McHugh presented the staff report. There is an irrigation canal that extends along Lake Helena Drive. There is no zoning in this area. The applicants are proposing to hard surface streets within the subdivision, pave Ivy Road up to Howard Drive. Currently Howard Road is an asphalt mat road. The Greater Helena Transportation Plan indicates that Howard Road at some point should be extended east to provide an east/west travel route between Lake Helena Drive and Valley Drive. An existing 33,000 gallon water storage tank was installed by the applicant several years ago for a proposed subdivision that was not completed; but to serve these new subdivisions the storage capacity would need to be enlarged to a 90,000 gallon tank. There is some concern about groundwater in this area. A storm water drainage plan is required. The applicant indicated he would provide cash-in-lieu of parkland. The

Planning Board recommended approval subject to 16 conditions as outlined in the staff report.

Skee Tenneson stated this proposal is similar to Fox Crossing I and II. He will visit with his engineer regarding the size of the water storage tank.

Kelly Williams, Stahly Engineering, representing Mr. Tenneson, asked that condition 10.a be modified requiring 750 gallons per minute for two hours could be in storage in pumps, or a well that produces a substantial amount of water that could offset the amount of storage necessary.

Hearing no other comments, Commissioner Murray moved to render a final decision on Thursday, April 20 at 9 a.m. Commissioner Varone seconded the motion and it carried 2-0.

Proposed Major Subdivision, Preliminary Plat to be known as Hauser Lake Estates Subdivision. (Applicant, Hauser Lake Company/Barry Damschen) (Planner, Lindsay Morgan) The applicant proposes to create 20 lots, 19 of which will be utilized for one single-family dwelling and one remainder. If approved the existing tract will be divided into lots ranging in size from 1.40-acres to 251.42-acres. The subject property is generally located east of Lake Helena Drive, west of York Road, north of and adjacent to Deal Lane.

Lindsay Morgan reported the applicant has requested this proposal be rescheduled to April 20; the review period ends April 28. Commissioner Murray moved to grant applicant's request to table the hearing to April 20 at 9 a.m. Commissioner Varone seconded the motion and it carried 2-0.

Proposed Major Subdivision, Preliminary Plat to be known as Fox Trot Estates-II Subdivision. (Applicant, Jerry & Genevieve Christison) (Planner, Lindsay Morgan) The applicants propose to create 13 lots, each for one single-family dwelling. The subject property is generally located ½ half north of Deal Road, west of Lake Helena Drive.

Lindsay Morgan reported the applicants have requested an extension of the review period and table the hearing to April 20. Commissioner Murray moved to grant applicants' request to table the hearing to April 20 at 9 a.m. Commissioner Varone seconded the motion and it carried 2-0.

Request for a One-Year Extension of Subdivision Improvements Agreement for NorthWest Minor Subdivision. (Applicant, Larry Marshall/Bill Gallagher) Planner, Lindsay Morgan, reported applicants have requested an extension of the Subdivision Improvements Agreement to April 9, 2007. A large portion of the work has been completed with the exception of electrical service. The applicant has submitted the paperwork to Northwestern Energy for this subdivision to provide electrical service to the two lots that are furthest west for this proposed subdivision. Staff recommends approval of the extension contingent upon receipt of applicants' new itemized list of

bonded costs.

Commissioner Murray moved approval to grant the one-year extension and authorize the Chair to sign the appropriate documents. Commissioner Varone seconded the motion and it carried 2-0.

Public comments on matters not mentioned above. None

There was no other business and the meeting adjourned at 11:06 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Anita L. Varone, Chair

Michael A. Murray, Vice-Chair

Ed Tinsley, Member

ATTEST:

Paulette DeHart, Clerk of the Board